



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES FLEET FORCES COMMAND
1562 MITSCHER AVENUE SUITE 250
NORFOLK VA 23551-2487

5720

Ser N01P (2016-05-000676)/ 112
November 4, 2016

Paul Sonne
Wall Street Journal
1025 Connecticut Avenue NW #800
Washington, DC 20036

Dear Mr. Sonne:

Thank you for your Freedom of Information Act (FOIA) request dated October 27, 2016, in which you requested the following documents related to LCDR Lin's court-martial:

- The Article 32 Preliminary Hearing Report by the Preliminary Hearing Officer;
- All reports of investigation involved in the case (all the unclassified portions or full unclassified versions), including the "Rogue Archer" report of investigation by the NCIS;
- The Bill of Particulars and any allied papers referenced therein;
- Unclassified parts of all witness depositions;
- Unclassified parts of all discovery documents provided to the defense;
- All rulings by the military judge in the case;
- All motions submitted by the defense; and
- All motions or answers given by the government.

Your request was received by email on October 27, 2016 and was assigned case file number USFF 2016-05-000676.

We note that you requested expedited processing of your FOIA request. Per 32 C.F.R. § 701.8 (f)(5), expedited processing is granted only when a requester can demonstrate a compelling need for the requested information and shows that the information has a particular value that would be lost if not processed on an expedited basis. A compelling need exists under any of three circumstances: (1) when failure to obtain the records could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) when the requester is an individual primarily engaged in disseminating information and the records requested concerns a breaking news story of general public interest; or (3) when failure to provide the information will result in loss of substantial due process rights.

After careful consideration of your request, this office finds that you have not clearly demonstrated how the information will lose its value if not processed on an expedited basis. Therefore, your request for expedited processing is denied. Please be advised that, although your request for expedited processing has been denied, your FOIA request has been assigned to a FOIA Specialist and a records search has been initiated. Consequently, processing will be accomplished as quickly as possible.

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I am the official responsible for this determination. Because your request is denied, you are advised of your right under the cited FOIA statute and Department of the Navy regulations to appeal this determination to:

Office of the Judge Advocate General
Department of the Navy
Attn: FOIA Appeals, Code 14
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within ninety (90) calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope and on the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

You also have the right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at christopher.a.julka@navy.mil or (703) 697-0031.

Please contact my FOIA Action Officer Ms. Linda Alvers at (757) 836-3630 or by e-mail at linda.alvers@navy.mil if you have any questions regarding your request.

Sincerely,



JACK E. HANZLIK, JR.

Captain, U.S. Navy

By direction of the Commander